



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4649

Introduced 2/1/2012, by Rep. Kay Hatcher

SYNOPSIS AS INTRODUCED:

70 ILCS 705/16.06

from Ch. 127 1/2, par. 37.06

Amends the Fire Protection District Act. Provides that the requirement that applicants be under 35 years of age does not apply in the case of any person having previous employment status as a fireman in a regularly constituted fire department of any fire protection district is limited to full-time employment status. Effective immediately.

LRB097 17211 KMW 62411 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Fire Protection District Act is amended by
5 changing Section 16.06 as follows:

6 (70 ILCS 705/16.06) (from Ch. 127 1/2, par. 37.06)

7 Sec. 16.06. Eligibility for positions in fire department;
8 disqualifications.

9 (a) All applicants for a position in the fire department of
10 the fire protection district shall be under 35 years of age and
11 shall be subjected to examination, which shall be public,
12 competitive, and free to all applicants, subject to reasonable
13 limitations as to health, habits, and moral character; provided
14 that the foregoing age limitation shall not apply in the case
15 of any person having previous full-time employment status as a
16 fireman in a regularly constituted fire department of any fire
17 protection district, and further provided that each fireman or
18 fire chief who is a member in good standing in a regularly
19 constituted fire department of any municipality which shall be
20 or shall have subsequently been included within the boundaries
21 of any fire protection district now or hereafter organized
22 shall be given a preference for original appointment in the
23 same class, grade or employment over all other applicants. The

1 examinations shall be practical in their character and shall
2 relate to those matters which will fairly test the persons
3 examined as to their relative capacity to discharge the duties
4 of the positions to which they seek appointment. The
5 examinations shall include tests of physical qualifications
6 and health. No applicant, however, shall be examined concerning
7 his political or religious opinions or affiliations. The
8 examinations shall be conducted by the board of fire
9 commissioners.

10 In any fire protection district that employs full-time
11 firefighters and is subject to a collective bargaining
12 agreement, a person who has not qualified for regular
13 appointment under the provisions of this Section shall not be
14 used as a temporary or permanent substitute for certificated
15 members of a fire district's fire department or for regular
16 appointment as a certificated member of a fire district's fire
17 department unless mutually agreed to by the employee's
18 certified bargaining agent. Such agreement shall be considered
19 a permissive subject of bargaining. Fire protection districts
20 covered by the changes made by this amendatory Act of the 95th
21 General Assembly that are using non-certificated employees as
22 substitutes immediately prior to the effective date of this
23 amendatory Act of the 95th General Assembly may, by mutual
24 agreement with the certified bargaining agent, continue the
25 existing practice or a modified practice and that agreement
26 shall be considered a permissive subject of bargaining.

1 (b) No person shall be appointed to the fire department
2 unless he or she is a person of good character and not a person
3 who has been convicted of a felony in Illinois or convicted in
4 another jurisdiction for conduct that would be a felony under
5 Illinois law, or convicted of a crime involving moral
6 turpitude. No person, however, shall be disqualified from
7 appointment to the fire department because of his or her record
8 of misdemeanor convictions, except those under Sections
9 11-1.50, 11-6, 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19,
10 11-30, 11-35, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1,
11 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3,
12 32-4, and 32-8, subdivisions (a)(1) and (a)(2)(C) of Section
13 11-14.3, and subsections (1), (6), and (8) of Section 24-1 of
14 the Criminal Code of 1961.

15 (Source: P.A. 95-490, eff. 6-1-08; 96-1551, eff. 7-1-11.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.